Supreme Court, U.S.
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No. 92-216

IN THE

Supreme Court of the United States

OCTOBER TERM, 1992

NORMAN SENN, CLEMENS KIEN, PAUL GILMORE, JOHN GROSS, and JACK HUDSON,

Petitioners,

v.

UNITED DOMINION INDUSTRIES, INC., PST, INC., and PRESSED STEEL TANK CO., INC.,

Respondents.

Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

SUPPLEMENTAL BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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On September 1, 1992 the United States Court of Appeals for the Seventh Circuit denied Appellees' Motion to Recall the Mandate, described in Petitioners' Supplemental Brief. Appellees there are Petitioners in this Court.[1] The Court

[1] Respondent United Dominion Industries, Inc. is a publicly held corporation traded on the New York, Montreal and Toronto Stock Exchanges. Respondent PST, Inc. is a subsidiary of United Dominion Industries, Inc. Respondent Pressed Steel Tank Co., Inc. is a privately-held corporation with no parent or subsidiary corporations.

of Appeals's order denying recall of its mandate was not an exercise of its appellate jurisdiction which would affect its previous reversal, the entry of final judgment by the district court, or ensuing appeals. *Johnson v. Bechtel Assoc. P.C.*, 255 U.S. App. D.C. 198, 801 F.2d 412, 416 n.25 (1986) (per curiam). Thus the pendency and denial of Appellees' Motion to Recall the Mandate did not put the case back "in" the Court of Appeals, even for a moment.

Respectfully submitted,

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